

FILED 11 JUN 20 11:42 USDC-ORM

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ROBERT JACKSON,

Case No. 1:10-cv-01189-CL

Petitioner,

v.

J.E. THOMAS,

ORDER

Respondent.

PANNER, District Judge:

Magistrate Judge Mark D. Clarke filed a Report and Recommendation, and the matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Although no objections have been filed, this court reviews legal principles *de novo*. See Lorin Corp. v Goto & Co., Ltd., 700 F.2d 1202, 1206 (9th Cir. 1983).

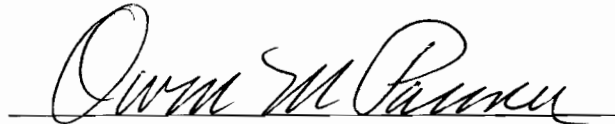
I agree with Magistrate Judge Clarke that petitioner failed to exhaust his administrative remedies. Accordingly, I ADOPT the Report and Recommendation of Magistrate Judge Clarke.

CONCLUSION

Magistrate Judge Clarke's Report and Recommendation (#5) is adopted. The petition (#1) is denied and this action is dismissed without prejudice.

IT IS SO ORDERED.

DATED this 20 day of June, 2011.

A handwritten signature in black ink, reading "Owen M. Panner", is written over a horizontal line.

OWEN M. PANNER
U.S. DISTRICT JUDGE